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COMMISSION ON HUMAN RIGHTS
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Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 16 August 1994 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights

With reference to document E/CN.4/1995/8-E/CN.4/Sub.2/1994/43 of 7 July 1994, containing a letter from Mr. Nabil Ramlawi concerning an incident that took place in the Augusta-Victoria Hospital in Jerusalem, I am enclosing a letter dated 14 July 1994 written by the Adviser to the Foreign Minister on Inter-Religious Affairs, on behalf of the Foreign Minister of Israel, to Mr. Gunnar Stalsett, the General Secretary of the Lutheran World Federation.

May I add that the circumstances are being investigated by the Israeli Ministry of Justice.

I would appreciate this letter and its enclosure being circulated as a document of the forty-sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and of the Commission on Human Rights.

(Signed): Itzhak Lior
Ambassador
Permanent Representative

Dear Mr. Stalsett,

Foreign Minister Peres has asked me to communicate to you the following response to your letter to him of 4 July 1994, concerning the recent police search at the Augusta-Victoria Hospital in Jerusalem.

Mr. Peres was unhappy to read about the unfortunate occurrence experienced by patients and staff in the course of that search, all the more so since he is well aware of the importance of the Augusta-Victoria Hospital and its laudable service to the community. Naturally the police have reported on what took place, after completing an examination of the matter.

The very fact that no such police search has occurred in the past - as you rightly note - testifies that it resulted from an extraordinary and compelling need, in the best judgement of the police within its mandate as a law-enforcement agency and guardian of public safety.

This need emerged from reliable, urgent information, that a group of armed men was distributing Islamic Jihad leaflets within the hospital premises. Such leaflets, indeed, were found in the search. No doubt you are aware of the existence in our region of that organization, as well as others like it, and of their murderous activities avowedly directed towards sabotaging the Middle East peace process and destroying the State of Israel.

In these circumstances, the police had no choice and no time to lose when faced with the prospect that Augusta-Victoria might be the next scene or platform of an act of terrorism. In the absence of cooperation on the part of the hospital staff, the police commander for Jerusalem felt obliged to authorize forceful entry if necessary. We have no wish to belabour the point, but we hope it will be appreciated that the duties and powers of the police are governed by law, under which the police are entitled to expect cooperation from organizations and individuals in the performance of their tasks. In the context of terrorism, as in certain other areas, the mission of the police is literally to save life, and in that aspect of police work, a certain affinity with hospitals does suggest itself, as does fundamental solidarity among all who reject terrorism.

The police, no less than Mr. Peres, regret profoundly all and any damage or harm caused as a result of the search in Augusta-Victoria on 2 July. It

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goes without saying that the appropriate avenues for claims and complaints are widely open. We understand that Mr. Johnson has already submitted a list of claims, and we can assure you, on behalf of the police, that all these claims will be thoroughly looked into.

Mr. Peres sends you his warm greetings and his best wishes for ever-growing success in the many humanitarian activities of the Lutheran World Federation everywhere.

Sincerely,

(Signed): Eitan Margalit
Adviser to the Minister on
Interreligious Affairs